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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,669	09/18/2003	David J. Alcoe	END920010135US2	8575

7590 07/05/2005
Schmieser, Olsen & Watts
3 Lear Jet Lane, Suit 201
Latham, NY 12110

EXAMINER

LE, THAO X

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,669

Applicant(s)

ALCOE ET AL.

Examiner

Thao X. Le

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 and 21-22,33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 June 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10, 12-16, 22, 28, 36, 38-39 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5880524 to Xie.

Regarding claim 10, Xie discloses 10 discloses a method for dissipating heat from an electronic package having one or more components comprising: providing a substrate 402, column 4 line 46, having a first coefficient of thermal expansion (CTE); providing a lid 404, column 4 line 47, said lid having a top wall 424, a bottom wall 426, and sidewalls 445, column 5 lines 5-6 fig. 4, connecting said top and bottom walls said

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top, bottom and sidewalls defining a vapor chamber 405, column 5 line 3, said vapor chamber 405 containing a heat transfer fluid, column 5 line 7, said lid 404 having a second CTE expansion said second CTE about equal to said first CTE; providing a peripheral lid supports 409, column 4 line 55, said lid support 409 having sidewalls defining a cavity open at top and bottom surface of said lid support, fig. 4; attaching said top surface 424 said peripheral lid support 409 to a bottom surface 426 of said sidewalls 445 of said lid and attaching said bottom surface of said peripheral lid support 409 to a periphery of said substrate 402, said bottom wall 426 of said lid 404 not attaching to said peripheral lid support, fig. 4; providing a solid thermal transfer medium 431, column 4 line 66 in direct contact with a back surface of each component 420/422, fig. 4, and an outer surface of said bottom wall 426 of said lid 404; mounting each component 420 directly to a top surface of said substrate 402; and electrically connecting each component to said substrate, column 4 lines 42-46.

Regarding claim 12, Xie discloses the method of claim 10, further including: mounting a heat sink 140, fig. 1C column 3 line 35, having a third CTE to an outer surface of said top wall of lid 104, fig. 1C.

Regarding claims 13 and 28, Xie discloses the method of claim 10, wherein said lower wall 426 of said lid 404 has protruding first regions (where 431 is located) for maintaining equivalent contact with said thermal transfer medium 431 on thin components 422 of said one or more components as is maintained by second non-protruding regions (where 430 is located) on thick components of said one or more components, said first regions thicker than said second regions, fig. 4.

Regarding claims 14, 38-39, Xie discloses the method further including providing supports 212, 308a-b, fig. 2-4, column 5 lines 15-18 and column 4 line 19, within said vapor chamber 405 between an upper wall 424 of said vapor chamber and said bottom wall 426, some or all of said supports aligned over some or all of said one or more components, wherein support bars 212 include through hole interconnecting said sub-chamber (450 bar is a mesh, column 5 line 9-10),

Regarding claim 15, Xie discloses the method of claim 10, wherein said package is selected from the group consisting of ball grid array modules, pin grid array modules, land grid array modules and HyterBGA modules, see filed of invention, such substrate package is generally known as PGA or flip chip, column 2 lines 40-41.

Regarding claim 16, Xie discloses the method of claim 10, wherein said lid 404 (104) is formed from material selected from the group consisting of aluminum, copper, Invar, gold, silver, nickel, aluminum-silicon carbide, plastics, ceramics and composites, column 4 lines 47-51.

Regarding claims 22, 36 Xie discloses the method wherein an upper wall 424 of said lid 404 has second CTE, the lower wall 426 of said lid 404 has a third CTE, wherein the lid is fabricated from the same material as said sidewalls 445 of said lid, column 3 line 49.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 17, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5880524 Xie in view of US 5097387 to Griffith

Regarding claim 17, Xie discloses the packaging substrate 402

But Xie does not disclose the substrate includes material selected from the group consisting of ceramics, firer glass, polytetraflouroethylene, and polymer.

However, Griffith discloses the substrate 12 includes material selected from the group consisting of ceramics or polymer, column 3 lines 15-16. At the time the invention was made; it would have been obvious to one of ordinary skill in the art to use the teaching of Griffith with Xie's method, because such printed circuit board for packing is typical in the art as taught by Griffith, column 3 lines 13-17.

Regarding claim 40-42, Xie does not disclose the method wherein support are vertical and do not extend beyond peripheral of said one or more components and wherein said sidewalls of said lid comprises bellows.

However, Xie discloses the method wherein supports 212, fig. 2, 308a-b, fig. 3 or 450 fig. 4, are vertical. At the time the invention was made; it would have been obvious to one of ordinary skill in the art to use the teaching of Xie as claimed, because it would have provided a similar supports function as disclosed by Xie.

With respect to 'bellows', the Applicant has no support data, which convinces that the particular claimed configuration is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing mating surfaces or supporting structure. In re Dailey 149 USPQ 47, 50 (CCPA 1966). See also Glue Co. v. Upton 97 US 3,24 (USSC 1878).

7. Claim 11, 21, 33-35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5880524 Xie in view US 6637506 to Gektin et al.

Regarding claim 11, 21, 37 Xie discloses the method of claim 10, wherein said upper wall 424 of said lid 404 has second CTE, said the lower wall 426 of said lid 404 has a third CTE, and said components 422 have a fourth CTE.

But Xie does not disclose the third CTE is about equal to the fourth CTE, and the second CTE different from the third CTE, and wherein the lower wall 426

of the lid is formed from different material than the sidewalls 445 and an upper wall 424 of the lid.

However, Gektin discloses the method for dissipating heat wherein the lower wall (center portion) of the lid is formed from different material than the sidewalls and an upper of the lid (perimeter portion), column 3 lines 10-15 and column 4 lines 34-39. At the time the invention was made; it would have been obvious to one of ordinary skill in the art to use the lid teaching of Gektin with Xie's method, because the selection of different material would have provided a thermal conductivity for suitable intended used, MPEP 2144.07.

Regarding claims 33-35, Xie does not disclose the third CTE is between about 25% and about 700% of second CTE.

However, Gektin discloses the lid is formed from different material than the sidewalls and an upper of the lid (perimeter portion), column 3 lines 10-15 and column 4 lines 34-39. At the time the invention was made; it would have been obvious to one of ordinary skill in the art to use the lid teaching of Gektin with Xie's method, because the selection of different material would have provided a thermal conductivity for suitable intended used, MPEP 2144.07.

Response to Arguments

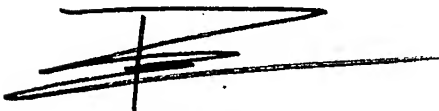
8. Applicant's arguments filed on 13 Jun 2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao X. Le whose telephone number is (571) 272-1708. The examiner can normally be reached on M-F from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy can be reached on (571) 272 -1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thao X. Le
Patent Examiner
27 June 2005